

Message Text

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TAGS: PINT, IN

SUBJECT: MRS. GANDHI'S DAY IN COURT

1. THE PRIME MINISTER IS TO APPEAR BEFORE THE ALLAHABAD (UP) HIGH COURT MARCH 18-20 TO GIVE EVIDENCE IN THE FOUR-YEAR CASE BROUGHT AGAINST HER FOR ELECTION FRAUD AND MISCONDUCT IN THE 1971 ELECTIONS BY HER RUNNER-70, SOCIALIST RAJ NARAIN (SUBSEQUENTLY ELECTED TO THE UPPER HOUSE (RAJYA SABHA) IN 1974 FROM UP). IT WILL BE THE FIRST TIME AN INDIAN PRIME MINISTER HAS BEEN CALLED TO TESTIFY IN HER OWN DEFENSE IN A COURT PROCEEDING AND MRS. GANDHI HAS FOUGHT TENACIOUSLY, BUT UNSUCCESSFULLY, AGAINST HAVING TO DO SO. THE ALLAHABAD HIGH COURT TURNED DOWN HER LAST APPEAL EARLIER THIS MONTH THAT SHE BE EXAMINED IN NEW DELHI BY A COMMISSION EMPOWERED TO DISALLOW "IRRELEVANT QUESTIONS" AS WELL AS HER REQUEST THAT SHE BE EXAMINED "IN CAMERA."

2. AMONG THE CHARGES AGAINST MRS. GANDHI ARE THAT SHE EXCEEDED STATUTORY LIMITS ON THE EXPENDITURE OF FUNDS (USING RS. 1.5 MILLION INSTEAD OF THE RS. 35,000 ALLOWABLE AND THE RS. 13,000 SHE ACTUALLY DECLARED SHE SPENT); USED GOVERNMENT OFFICIALS AND VEHICLES ILLEGALLY IN HER ELECTIONEERING; DISTRIBUTED BLANKETS AND CLOTH AS INDUCEMENTS TO

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VOTERS TO SUPPORT HER; AND APPEALED TO THE RELIGIOUS

SIGNIFICANCE OF THE CONGRESS SYMBOL OF "COW AND CALF" IN CALLING ON VOTERS TO MARK THEIR BALLOTS NEXT TO THIS SIGN. THE CASE HAS ALREADY BEEN UP AND DOWN TO THE SUPREME COURT SEVERAL TIMES FOR DECISIONS ON SUB-ISSUES AND PROCEDURAL PROBLEMS. THE RELIABILITY OF ASSURANCES BY THE PM'S FORMER PRIVATE SECRETARY (AND CURRENT DEPUTY CHAIRMAN OF THE PLANNING COMMISSION) P.N. HAKSAR, A FORMER MEMBER OF HAKSAR'S STAFF (YASHPAL KAPOOR), THE HOME SECRETARY OF THE UP GOVERNMENT IN 1971, AND OTHER GOVERNMENT OFFICIALS HAS BEEN CALLED INTO DOUBT BY THE QUESTIONS BEFORE THE HIGH COURT JUDGE.

3. MRS. GANDHI HAS PROTECTED HERSELF ON THE ISSUE OF EXPENDITURE OF FUNDS BY HAVING THE GOVERNMENT PROMULGATE AN ORDINANCE LAST FALL FREEING SUCCESSFUL CANDIDATES IN THE 1971 ELECTION FROM HAVING THEIR SUCCESSFUL CONTESTS BEING CHALLENGED ON GROUNDS THAT FUNDS WERE CONTRIBUTED BY POLITICAL PARTIES OR OTHER INDIVIDUALS TO THEIR ELECTION CAMPAIGN. BUT THE COURT MAY STILL FIND ON THESE ISSUES, AS WELL AS THE OTHERS, AND THE RESULTS COULD BE VERY EMBARRASSING FOR THE PM. IF THE COURT FINDS AGAINST MRS. GANDHI AND SETS HER ELECTION ASIDE, AND IF ON APPEAL THE SUPREME COURT DOES NOT OVERTURN SUCH A DECISION, SHE WOULD BE DEBARRED FROM BEING A MEMBER OF ANY LEGISLATURE FOR SIX YEARS. IN THE PAST THE COURTS HAVE DONE PRECISELY THIS TO SEVERAL PROMINENT POLITICIANS INCLUDING UNION CABINET AND STATE CHIEF MINISTERS.

4. THE JUDGE HEARING THE CASE, J.M.L. SINHA, IS THE THIRD WHO HAS BEEN HANDLING THE ISSUE SINCE IT WAS FIRST BROUGHT-- THE TWO PREVIOUS JUDGES HAVING STEPPED DOWN AFTER REACHING MANDATORY RETIREMENT AGE IN THE COURSE OF THE PROCEEDINGS. JUDGE SINHA HAS A REPUTATION AMONG LAWYERS AS BEING OF HIGH INTEGRITY. THERE IS STILL LIKELY TO BE A CONSIDERABLE PERIOD OF TIME BEFORE A FINAL DECISION IS BROUGHT, BUT AS THE CASE DRAWS TO A CLOSE, AND PARTICULARLY IN THE COMING DAYS, THE PM WILL BE FACED WITH POTENTIALLY SERIOUS THREATS TO HER REPUTATION AND DIGNITY EVEN IF NOT IMMEDIATELY TO HER POSITION. SAXBE

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